

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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11 ALEXANDER LOPEZ, Case No. 2:18-cv-00480-JCM-NJK
12 v. Petitioner,
13 BRIAN WILLIAMS, et al., ORDER
14 Respondents.
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16 This action comes before the court for initial screening review pursuant to Rule 4 of the
17 Rules Governing Habeas Corpus Cases Under Section 2254. Following review of the petition, the
18 court will direct a response.

19 It is therefore ordered that the Clerk shall informally electronically serve the Nevada
20 Attorney General with a copy of the petition and this order, along with regenerated notices of
21 electronic filing of the remaining filings herein.

22 It is further ordered that respondents shall have sixty (60) days from entry of this order
23 within which to respond to the petition. Any response filed shall comply with the remaining
24 provisions below.

25 It is further ordered that any procedural defenses raised by respondents in this case shall be
26 raised together in a single consolidated motion to dismiss. Respondents shall not file a response in
27 this case that consolidates their procedural defenses, if any, with their response on the merits,

1 except pursuant to 28 U.S.C. § 2254(b)(2) as to any unexhausted claims clearly lacking merit. If
2 respondents do seek dismissal of unexhausted claims under § 2254(b)(2): (a) they shall do so
3 within the single motion to dismiss not in the answer; and (b) they shall specifically direct their
4 argument to the standard for dismissal under § 2254(b)(2) set forth in *Cassett v. Stewart*, 406 F.3d
5 614, 623-24 (9th Cir. 2005). All procedural defenses, including exhaustion, must be raised by
6 motion to dismiss.

7 It is further ordered that, in any answer filed on the merits, respondents shall specifically
8 cite to and address the applicable state court written decision and state court record materials, if
9 any, regarding each claim within the response as to that claim.

10 It is further ordered that respondents shall file a set of state court exhibits relevant to the
11 response filed to the petition, in chronological order and indexed as discussed, *infra*.

12 It is further ordered that all state court record exhibits filed herein shall be filed with a
13 separate index of exhibits identifying the exhibits by number. The CM/ECF attachments that are
14 filed further shall be identified by the number or numbers of the exhibits in the attachment. The
15 purpose of this provision is so that the court and any reviewing court thereafter will be able to
16 quickly determine from the face of the electronic docket sheet which numbered exhibits are filed
17 in which attachments.

18 It is further ordered that counsel additionally shall send a hard copy of all exhibits filed to,
19 for this case, the Reno Clerk's Office.

20 It is further ordered that petitioner shall have thirty (30) days from service of the answer,
21 motion to dismiss, or other response to mail a reply or response to the clerk of court for filing.

22 DATED March 27, 2018.

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24 JAMES C. MAHAN
25 UNITED STATES DISTRICT JUDGE
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